

REMARKS

The claims have been amended by rewriting claim 10. Claims 1-16 remain in the application. The actions taken are in the interest of expediting prosecution and with no intention of surrendering any range of equivalents to which Applicants would otherwise be entitled in view of the prior art. Further, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references. Reconsideration of this application is respectfully requested.

35 U.S.C. § 112, second paragraph

Claim 10 are--is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Examiner claims "the edge portion" lacks antecedent basis. Claim 10 has been amended to correct a typographical error with "edge" being replaced with "peripheral," which has proper antecedent basis.

35 U.S.C. § 103

Claims 1-18 are rejected under 35 U.S.C. § 103 as being unpatentable over Civanlar et al. (European Patent Application No. EP 0884873, hereinafter Civanlar et al.) in view of Razavi et al (WO Publication No. WO 00/77620, hereinafter Razavi et al.). Applicants' respectfully traverse the rejection and request reconsideration. It is incumbent upon the Examiner to prove a *prima facie* case of obviousness (MPEP 2143). To establish a *prima facie* case three basic criteria must be met. First, the prior art reference must teach or suggest all the claim limitations. Second, there must be a reasonable expectation of success. Finally, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference.

TRAVERSE (i): The combination does not provide Applicants' claimed invention.

Applicants' independent claims 1 and 12 call for, among other things, a vehicle comprising an active network.

Applicants' are providing, along with this response, a Affidavit under 37 CFR 1.132 affirming by one of the inventors, who is also an expert in the field of computing and networking, that an active network is a network in which the nodes can perform custom operations on the contents of the messages that pass through the nodes. An active network does not require a central server or computing resource. Active network nodes are aware of the contents of the messages transported and can participate in the processing and modification of the messages while they travel through the network. Applicants' further submit that the Affidavit under 37 CFR 1.132 further obviates the Civanlar et al. and Razavi et al. references and their relevance as prior art.

Civanlar et al. teaches internetwork relay system that includes an ingress router that receives a packet from a source network and attaches a label, which is used to forward the packet across the network (page 4, lines 35-45). The individual elements in the network disclosed in Civanlar et al. do not perform custom operations or modifications of the packets passing through them. Civanlar et al. merely attaches a label to the header of a packet to facilitate the movement of the packet across multiple networks (page 5, lines 23-25). Attaching a label to the header of a packet does not modify the contents of the message in the packet. The multiple networks disclosed in Civanlar et al. are passive networks as they cannot perform custom operations on messages (packets) passing through them. Each network merely passes on the packet according to the instructions present in the packet header's label. In addition, the various networks in Civanlar et al. are not aware of, and cannot participate in the processing or modification of, the contents of messages (packets) passing through them. Consequently, the various networks in the core and edge of the networks discloses in Civanlar et al. are not active network elements since they do not perform the functions of an active network as understood by those skilled in the art. Therefore, nowhere does Civanlar et al. teach or suggest an active network as understood by those skilled in the art.

Razavi et al. teaches an automobile having network devices coupled to an in-car network (page 3, lines 23-24). Razavi et al. goes on to teach an in-car network that is built around an on-board compute platform (22) where all components of the in-car network are either directly plugged into the compute platform (22) or coupled to it via an Ethernet connection (Figure 2, and

page 5, line 38 to page 6, line 2). In addition, Razavi et al. reinforces that all computing for the in-car network goes through a central computing resource by stating that "compute platform 22 is at the center of in-car sub-network 20." (page 7, line 36). The central compute platform exclusively manages the routing of packets to each end node. Central compute platform is at the center of a passive network. Nodes in Razavi et al. cannot perform custom operations on messages passing through them. In addition nodes in Razavi et al. are not aware of, and cannot participate in the processing or modification of, the contents of messages passing through them. Therefore, nowhere does Razavi et al. teach or suggest an active network as understood by those skilled in the art.

"The identical invention must be shown in as complete detail as is contained in the ... claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236 (Fed. Cir. 1989). MPBP § 2131. Contrary to Examiner's statement that all elements are disclosed in the above cited references, applicants claimed elements including: *a vehicle comprising an active network* are not found in any of the above references, so the rejection is unsupported by the art and should be withdrawn.

TRAVERSE (ii): There is no motivation or suggestion contained in the cited art to combine the teachings of the references.

Before obviousness may be established, the Office Action *must show specifically* the principle, known to one of ordinary skill that suggests the claimed combination. In re Lee, 277 F.3d 1338, 1343 (Fed. Cir. 2002). In other words, the Examiner *must explain* the reasons one of ordinary skill in the art would have been motivated to select the references and to combine them to render the claimed invention. Id. The factual question of motivation is material to patentability and *cannot be resolved based on subjective belief and unknown authority*. Id. at 1344. Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination. Under section 103, teachings of references can be combined *only* if there is some suggestion or incentive to do so. ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F.2d 1572, 1577 (Fed. Cir. 1984). The critical inquiry is whether there is something in the prior art as a whole *to suggest* the desirability, and thus the obviousness, of making the combination. Fromson v. Advance Offset Plate, 755 F.2d 1549, 1556 (Fed. Cir. 1985). The Office Action *fails to show either a suggestion in the art or a compelling motivation based on sound scientific principles to combine the references and therefore the rejection under 35 U.S.C. § 103(a) is improper and*

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should be withdrawn. Applicants respectfully submit that there is no suggestion to combine the references, and if they could be properly combined, do not lead to the Applicants' invention.

Claims 2-11 depend either directly or indirectly from claim 1 and are believed to be allowable over the relied on references for at least the same reasons as claim 1.

Claims 13-16 depend either directly or indirectly from claim 12 and are believed to be allowable over the relied on reference for at least the same reasons as claim 12.

Prior Art Not Relied Upon

The references cited but not relied upon are not believed to anticipate or make obvious applicants' invention.

Summary

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Applicants believe that the subject application, as amended, is in condition for allowance. Such action is earnestly solicited by the Applicants.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

Accordingly, this application is believed to be in proper form for allowance and an early notice of allowance is respectfully requested.

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Please charge any fees associated herewith, including extension of time fees, to 502117,
Motorola, Inc.

Respectfully submitted,

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